



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Page 1 of 3 SPW 186

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/656,894	09/08/2003	Michael A. Whitt	P-3558-US

CONFIRMATION NO. 1535

FORMALITIES LETTER



\*OC000000013047369\*

27130  
EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

EPLC  
RECEIVED

25 JUN 2004

Date Mailed: 06/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

- The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figure(s) 4.
- More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.) (see 37 CFR 1.84(u)(1)). See Figure(s) 2A-D, 5A-E, 7A-H.
- The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 2,31.

08/23/2004 SSESHE1 00000024 050649 10656894

01 FC:1001	770.00 DA
02 FC:1202	1656.00 DA
03 FC:1201	860.00 DA
04 FC:1051	130.00 DA

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$2516** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$3416** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$2516**
  - **\$860** for 10 independent claims over 3.
  - **\$1656** for 92 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): WHITT, Michael A. et al. EXAMINER: Not yet known  
SERIAL NO.: 10/656,894 GROUP ART UNIT: Not yet known  
FILED: September 8, 2003 ATTORNEY DOCKET No.: P-3558-US  
FOR: RECOMBINANT MUTANTS OF RHABDOVIRUS AND METHODS OF USE THEREOF

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b), mailed June 23, 2004 (a copy of which is enclosed), Applicant(s) submit herewith the following:

1.  an executed Declaration and Power of Attorney making reference to the above-identified application, and in compliance with 37 C.F.R. 1.63;
2.  Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121
3.  a Preliminary Amendment.

A response is due August 23, 2004. Accordingly, this response is being timely filed.

The Patent Office is hereby authorized to charge Deposit Account 05-0649 in the amount of \$3,416, covering the following:



APPLICANTS: ~~TRADEMARK~~ MIT, Michael A. et al.  
 SERIAL NO: 10/656,894  
 FILED: September 8, 2003  
 Page 2

FEE CALCULATION					
<b>1. BASIC FILING FEE</b>					
	Large Entity Fee	Small Entity Fee			
Utility	\$770	\$385		770	
Provisional	\$160	\$80		0	
<b>2. EXTRA CLAIM FEES</b>					
Total Claims	112	-20 ** =	92	x 18	= 1,656
Independent Claims	13	- 3 ** =	10	x 86	= 860
		Multiple Dependent	x		= 0
Large Entity Fee	\$18	\$9	Claims in excess of 20		
	\$86	\$43	Independent claims in excess of 3		
	\$290	\$145	Multiple dependent claim, if not paid		
				2,516	
<b>3. Fee for Petition for Extension of Time</b>					
Large Entity Fee	Small Entity Fee				
\$110	\$55	Extension for reply within first Month		0	
\$420	\$210	Extension for reply within second Month		0	
\$950	\$475	Extension for reply within third Month		0	
\$1,480	\$740	Extension for reply within fourth Month		0	
<b>4. Surcharge Fee Under 37 CFR 1.16(e) or 1.492(e)</b>					
Large Entity Fee	Small Entity Fee				
Utility	\$130	\$65		130	
<b>5. Surcharge Fee Under 37 CFR 1.16(l)</b>					
Large Entity Fee	Small Entity Fee				
Provisional	\$50	\$25		0	
<b>TOTAL</b> 3,416					

If any additional fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 05-0649.

Respectfully submitted,

Mark S. Cohen  
 Attorney for Applicant(s)  
 Registration No. 42,425

Dated: August 18, 2004

Eitan, Pearl, Latzer & Cohen Zedek, LLP.  
 10 Rockefeller Plaza, Suite 1001  
 New York, New York 10020  
 Tel: (212) 632-3480  
 Fax: (212) 632-3490

B.N.  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY